

CITIZEN TRADE POLICY COMMISSION DRAFT AGENDA

Thursday, December 15, 2011 at 1:30 P.M.
Room 220, Burton M. Cross State Office Building
Augusta, Maine

1:30 pm Meeting called to order

I. Welcome and introductions

- A. New member(s)
- B. CTPC session staff – Lock Kiermaier

II. Consideration of annual report

III. Transpacific Partnership Agreement

A. Bi-annual assessment -discuss scope and process to complete

1. Overview of Transpacific Partnership Agreement (TPPA)
2. Narrow areas of focus and how to create proactive positions on the TA
3. Potential contractors to conduct the assessment
4. Timeline for completion

B. USTR request for comment on Canada, Japan and Mexico joining TPPA

IV. Response to Department of Treasury request for public Input on the Report to Congress On How to Modernize and Improve the System of Insurance Regulation in the United States

V. Financial report

VI. Schedule next meeting date and suggestions for agenda topics

Adjourn

Citizen Trade Policy Commission

Public Law 2003, Chapter 699

Wednesday, December 14, 2011

Appointment(s) by the Governor

John Palmer
P.O. Box 519
Oxford, ME 04270
207 539-4800

Representing Small Business'

Harry Ricker
35 MacIntosh Drive
Turner, ME 04282
207 754-3455

Representing Small Farmers

Appointment(s) by the President

Sen. Roger L. Sherman - Chair
P. O. Box 682
Houlton, ME 04730
207 532-7073

Members of the Senate

Sen. John L. Patrick
206 Strafford Avenue
Rumford, ME 04276
207 364-7666

Senate Member

Sen. Thomas Martin Jr.
1308 Clinton Ave.
Farmington, ME 04901

Members of the Senate

Stephen Cole
80 Bristol Road
Damariscotta, ME 04543

Representing Economic Development Organizations

Michael S. Hiltz
45 Pleasant Ave.
Portland, ME 04103

Representing Health Care Professionals

Joseph Woodbury
508 Gore Road
Otisfield, ME 04270

Representing Maine-based Manufacturing Business' with
More than 25 Employees

Appointment(s) by the Speaker

Rep. Joyce Maker - Chair

89 Lafayette Street
Calais, ME 04619

Members of the House

Rep. Margaret Rotundo

446 College St.
Lewiston, ME 04240
207 784-3259

House Member

Rep. Bernard L. Ayotte

1469 Van Buren Road
Caswell, ME 04750
207 325-4905

House Member

Michael Herz

P.O. Box 1462
Damariscotta, ME 04543

Representing Nonprofit Environmental Organizations

Connie Jones Executive Director

Mid Coast Chapter, American Red Cross
16 Community Way
Topsham, ME 04086

Representing Nonprofit Human Rights Organizations

Jay Wadleigh

International Assoc. Machinists
40 Wadleigh Way
Belgrade, Me 04917

Representing Organized Labor

Attorney General

Linda Pistner

6 State House Station
Augusta, ME 04333-0006
207 626-8821

Attorney General or designee

Commissioner, Department of Environmental Protection

Heather Parent

DEP
#17 State House Station
Augusta, ME 04333-0017
207 287-8662

Commissioner or designee

Commissioner, Department of Health & Human Services

Barbara Van Burgel Director

DHS
Bureau of Family Independence 11 SHS
Augusta, ME 04333
207 287-3106

Commissioner or designee

Commissioner, Department of Labor

Michael Roland

ME Dept. of Labor
45 State House Station
Augusta, ME 04333-0045
207 623-7932

Commissioner or designee

Director, Maine International Trade Center

Wade Merritt

511 Congress Street
Portland, ME 04101
207 541-7400

Representing Maine International Trade Center

Staff:

Lock Kiermaier
ctpc@legislature.maine.gov
(207) 446-0651

Fox, Danielle

From: Pistner, Linda
Sent: Tuesday, December 13, 2011 4:35 PM
To: Fox, Danielle; Guzzetti, Jean
Subject: 2009 Assessment Recommendations

Hi, Danielle and Jean, would you please forward this to the members of the Commission? thanks!

Here is my attempt to provide some context for the "Options for the Commission to Engage on Trade Policy in 2010 and 2011" as included in the 2009 Assessment, which was done for the Commission by Bill Waren of the Forum on Trade & Democracy. Many of the options are directed at features of the trade treaty system that have the capacity to negatively impact on legitimate state regulatory efforts, and several address specific issues. The action steps involve issuing letters to Congress and the President highlighting these issues and suggesting reforms that will provide greater protection to states than do current treaty provisions. Rather than focus on the details, I've tried to provide a little background to help explain why these issues are important.

First, as a general matter, a question: why is it that international trade treaties, which have been around for several centuries, rather suddenly became important to states with the negotiation of the NAFTA?

Historically, trade treaties have generally been about identifying goods and appropriate tariffs to impose on their sale in international markets. Tariffs continue to be important to businesses and the economy. However, treaties now also cover services in addition to goods, and attempt to prevent so-called "non-tariff barriers" to trade, which include federal, state or local regulatory activities. Traditional areas of state regulation (by statute, agency rule, agency decision, and even judicial decision) are now potentially the subject of challenge based on treaty provisions, not in our courts but before arbitration panels largely made up of international trade attorneys. The standards applied in a treaty dispute are not those of state and federal law and constitutions.

Preservation of State Sovereignty and Authority to Regulate in the Public Interest (pp. 47-49)

A. Reform of Measures Related to Federal Preemption & Unfunded Mandates (p.47 of the 2009 Assessment)

Trade treaties are enforced nation against nation; in the U.S., treaty challenges against state law are defended by the U.S. Secretary of State's Office. If the U.S. were to lose such a challenge, the federal government has the right to bring an action to preempt or invalidate a state law that has been found to be violative of a treaty. Some treaties also permit private investors to challenge state laws on various grounds including the taking of their property without compensation; if such a case is lost and compensation awarded against the U.S. based on a state law, the federal government may recoup those amounts from the state.

To my knowledge, no state has yet been penalized for either arbitration costs or compensation. However, costs alone can reach millions of dollars.

B. Reform of International Services Agreements (p.47)

Several key provisions common to the GATS and other treaties could be adjusted to provide greater protection to the traditional role of the states. The ideas presented in this section are not new, but have been raised by the states many times. The suggestions and their impact are summarized as follows.

An affirmative statement that states have the right to regulate, provided that regulation is in the public interest and is non-discriminatory, would bring treaty standards much closer to those that the Legislature, state agencies

and the courts use to determine the limits of regulation. One of the greatest concerns for states is the negotiation of the so-called Domestic Regulation rules that are proposed to create limits on regulation under the GATS, which has 153 nation members (listed here: http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm). For example, one proposal would require that regulation be no more burdensome than necessary to the quality of the service, a standard that does not appear to take into account long-standing authority to regulate in the public interest to protect the health, safety and welfare of citizens. States have sought a commitment from the U.S. Trade Representative ("USTR") to oppose the "necessity rule." (The WTO's web page will give you a sense of the scope of issues that continue to be negotiated under the GATS; see "The Doha Agenda" at http://www.wto.org/english/thewto_e/whatis_e/tif_e/doha1_e.htm).

The USTR (under this and the prior administration) has met these concerns by pointing to the record of the U.S. Secretary of State in defending disputes involving state law. Nonetheless, states continue to press for more formal recognition of their legitimacy. In addition to the suggestion above (in the previous paragraph), states have sought to expand an existing defense in treaty disputes for legitimate national policy objectives to include state and local policy objectives.

Another area of particular concern is government procurement: the ability to choose when to obtain services from private contractors, when to provide them through public agencies, and when to make a change in either direction. Treaties do recognize the importance of this authority by giving state governors the right to opt in or out of contract procurement provisions in treaties. The suggestion here is that states should be able to opt in without putting their procurement decisions at risk as discriminatory (for ex., a claim that by selecting one contractor the state is discriminating against other providers).

C. Reform of International Investment Agreements and Treaties (pp. 47-49)

NAFTA and other trade agreements give individual investors the right to sue the U.S. based on a claim that a regulatory measure resulted in the expropriation of their property, for which compensation can be sought. The substantive standards applicable to these claims are more generous than their counterpart taking and due process claims under the U.S. judicial system. These claims are decided by a panel of arbitrators, wholly outside of the U.S. court system, who apply the terms of a treaty in a system that encourages trade in reaching a decision that has no precedential effect on subsequent cases. Lack of clarity in the standards for recovery adds to the difficulty of predicting the outcome of investor claims.

Several proposals are described that would narrow the circumstances under which compensation can be awarded to an investor based on the impact of a regulatory action. They include: requiring claimants to exhaust the remedies available to them in domestic and administrative agencies and courts so that a treaty dispute is a remedy of last resort; narrowing the categories of investment that are protected to those covered by the Takings Clause in the U.S. Constitution; and eliminating claims based on nondiscriminatory regulations.

State-Federal Consultation on Trade Policy (p. 51)

A. The Positive List Approach

One of the difficulties that states face in attempting to influence treaty negotiations is that they are entirely confidential; negotiators, such as the USTR, may generally describe issues under consideration, but there is generally little advance notice and rarely any release of language under consideration. A greater opportunity for input from the states would result if legislation were enacted that compelled the USTR to take particular positions on issues of importance to them.

B. A Center on Trade and Federalism

The USTR has a relatively small staff, and little or no resources to put to consultation with the states. The assessment suggested that Congress create and adequately fund a center staffed to work with the states on their issues, studying legal and economic issues, and improving data collection to help increase exports and collaboration among the states.

The Decision Process for Initiating Trade Negotiations (p. 52)

Another way to make the negotiating process more transparent would be for Congress to legislate “readiness” criteria for future treaty partners, negotiating objectives that are truly binding, an effective process for consultation with state and local government, and a ratification process which requires that congress approve a treaty before the President signs it.

Developing the Maine Economy by Promoting Exports and by Preserving and Expanding the Number of Jobs, Particularly in the Manufacturing Sector (pp. 49-51)

A. Reform of Border-Adjusted Value Added Taxes (p. 49)

A value added tax applies to the sales price less the cost of production; under a VAT tax system, each party in the product supply chain pays tax on the value of its contribution to the product sold. So, for ex., the raw materials provider charges tax on the value of the raw materials, and the manufacturer of the end product charges tax on the difference between the sales price and the cost of purchasing raw materials, with the end result a tax on the total value. Under European tax systems, exporters are allowed rebates on Value Added Taxes, but efforts by Congress to establish tax rules that would put U.S. exporters in a similar position to make them competitive were struck in WTO arbitrations as violative of the provisions against subsidies of exports.

B. Reform of Policy to Assist Small and Medium Sized Exporters (pp. 49-51)

More could be done at the federal level to assist small and medium sized businesses to benefit from international markets. Suggestions listed here include increasing the amount of export assistance loans and grants, and increasing the number of Small Business Administration export finance specialists in Export Assistance Centers.

C. Currency Manipulation Reform (pp. 50-51)

Artificially low currency values can amount to an illegal government subsidy of trade, and tend to cause a trade imbalance between countries. This problem has been addressed in some instances by bringing disputes to the WTO. The suggestion here is that Congress could legislate consequences for currency manipulation that would address the problem more quickly.

Augusta, ME 04333
(207) 626-8820

**POTENTIAL FRAMEWORK FOR CTPC 2011 ASSESSMENT
FOR DISCUSSION PURPOSES ONLY**

10 MRSA §11, sub-§9, ¶C, states that the commission:

C. Shall every 2 years conduct an assessment of the impacts of international trade agreements on Maine's state laws, municipal laws, working conditions and business environment. The assessment must be submitted and made available to the public as provided for in the annual report in paragraph D;

Question: If the Transpacific Partnership Agreement (in development) is to be the topic – What does the CTPC want from the assessment?

Some discussion at the conclusion of the Calais meeting on November 3rd supported using this assessment as a way for the CTPC to proactively make policy statements about the proposed trade agreement before it is finalized.

Below are some questions the commission may want to consider when determining a framework for the assessment:

1. Which industries in Maine might be disproportionately impacted by the TPPA? (fishing, agriculture)
2. What specific provisions of the TPPA being proposed are likely to place Maine vulnerable to allegations of trade violations?
Particularly if the lowest standard of regulation among member nations is the bar for NOT being a barrier to trade
 - a. Procurement of goods and services by the state and local governments
 - b. Workplace standards and safety
 - c. Business subsidies and incentives (fishing, shipbuilding)
 - d. Pharmaceuticals (pricing)
 - e. Tobacco
 - f. Liquefied natural gas
3. Are there steps the United States or Maine can take to minimize the infringement on federal/state sovereignty that the threat of trade violations (and judgments) might pose?
4. Since the TPPA may be modeled on previous trade agreements, are there continuing concerns about transparency, investor protection provisions, dispute mechanisms that should be addressed by the assessment? Are the more controversial aspects of these trade agreements being addressed in the development of the TPPA?

Other issues for the commission to consider:

- Commission should consider balancing the scope/subject of the assessment with what is doable by the potential field of candidates that can do this sort of work
- Timeframe for completion

December 7, 2011

MEMORANDUM FOR ALL ADVISORY COMMITTEE MEMBERS

FROM: Carlos H. Romero
Assistant U.S. Trade Representative
Intergovernmental Affairs and Public Engagement

SUBJECT: New Federal Register Notices on the Trans-Pacific Partnership

Today, USTR published three notices in the *Federal Register*:

- Request for Comments on Canada's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement
- Request for Comments on Japan's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement
- Request for Comments on Mexico's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement

The comment period for each of these notices closes at noon on January 13, 2012. For questions related to Japan, please contact Michael Beeman at 202-395-5070. For questions related to Canada, please contact Mary Smith at 202-395-9404. For questions related to Mexico, please contact Kent Shigetomi at 202-395-9459.

marked "BUSINESS CONFIDENTIAL" on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the character "P", followed by the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

USTR strongly urges submitters to file comments through <http://www.regulations.gov>, if at all possible. Any alternative arrangements must be made with Donald W. Eiss in advance of transmitting a comment. Mr. Eiss should be contacted at (202) 395-3475. General information concerning USTR is available at <http://www.ustr.gov>.

Douglas Bell,

Chair, Trade Policy Staff Committee.

[FR Doc. 2011-31322 Filed 12-6-11; 8:45 am]

BILLING CODE 3190-W2-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Mexico's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: Mexican Economy Secretary Bruno Ferrari recently stated Mexico's intention to begin consultations with the Trans-Pacific Partnership (TPP) countries towards joining the TPP negotiations. The Office of the United States Trade Representative (USTR) is assessing Mexico's expression of interest in the TPP negotiations in light of the TPP's high standards for liberalizing trade and specific issues of concern to the United States regarding Mexican barriers to agriculture, services, and manufacturing trade, including non-tariff measures. In conducting its assessment, USTR is seeking public comments on these concerns and all

other elements related to Mexico's interest in the TPP negotiations.

DATES: Written comments are due by noon, January 13, 2012.

ADDRESSES: Submissions via on-line: <http://www.regulations.gov>. For alternatives to on-line submissions please contact Donald W. Eiss at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For questions concerning requirements for written comments, please contact Donald W. Eiss at (202) 395-3475. All other questions regarding this notice should be directed to Kent Shigetomi, Director for Mexico, NAFTA, and the Caribbean, at (202) 395-3412.

SUPPLEMENTARY INFORMATION: On December 14, 2009, after consulting with relevant Congressional committees, USTR notified Congress of the President's intent to initiate negotiations on a TPP trade agreement. These negotiations aim to achieve a high-standard, 21st century agreement with a membership and coverage that provides economically significant market access opportunities for America's workers, farmers, ranchers, service providers, and small businesses and that can expand to include additional countries across the Asia-Pacific region. Currently, the negotiations include Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam, as well as the United States. Further information regarding the TPP negotiations can be found at <http://www.ustr.gov/tpp>.

On November 13, 2011, Mexican Economy Secretary Bruno Ferrari stated Mexico's intention to begin consultations with the current TPP participating countries towards joining the TPP negotiations. The Chair of the interagency Trade Policy Staff Committee (TPSC) invites interested persons to provide written comments that will assist USTR in assessing Mexico's expression of interest in the TPP negotiations in light of the TPP's high standards for liberalizing trade and specific issues of concern to the United States regarding Mexican barriers to agriculture, services, and manufacturing trade, including non-tariff measures. Commenters may address these issues or any other specific barriers affecting U.S. exports to or investment in Mexico. The TPSC Chair invites comments on all of these matters, and, in particular, on the following:

(a) Economic costs and benefits to U.S. producers and consumers of eliminating tariffs and eliminating or reducing non-tariff barriers on goods and services traded with Mexico.

(b) Treatment by Mexico of specific goods (described by HTSUS numbers), including product-specific import or export interests or barriers.

(c) Adequacy of existing customs measures to ensure that only qualifying imported goods from Mexico receive preferential treatment, and appropriate rules of origin for goods entering the United States.

(d) Mexican sanitary and phytosanitary measures or technical barriers to trade that should be addressed.

(e) Existing barriers to trade in services between the United States and Mexico that should be addressed.

(f) Relevant electronic commerce issues.

(g) Relevant trade-related intellectual property rights issues.

(h) Relevant investment issues.

(i) Relevant competition-related matters.

(j) Relevant government procurement issues.

(k) Relevant environmental issues.

(l) Relevant labor issues.

(m) Relevant transparency issues.

(n) Relevant issues related to innovation and competitiveness, new technologies and emerging economic sectors, the participation of small- and medium-sized businesses in trade, and the development of efficient production and supply chains.

Public Comment: Requirements for Submissions

Persons submitting written comments must do so in English and must identify (on the first page of the submission) "Mexico's Expression of Interest in the Trans-Pacific Partnership Trade Negotiations." In order to be assured of consideration, comments should be submitted by noon, January 13, 2012.

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the <http://www.regulations.gov> Web site. Comments should be submitted under the following docket: USTR-2011-0020. To find the docket, enter the docket number in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notices" under "Document Type" on the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on the "Help" tab.)

Public versions of all documents relating to the 2011 Annual Review will be made available for public viewing in docket USTR-2011-0015 at www.regulations.gov upon completion of processing and no later than approximately two weeks after the due date.

William D. Jackson,

Deputy Assistant, U.S. Trade Representative for the Generalized System of Preferences and Chair of the GSP Subcommittee of the Trade Policy Staff Committee, Office of the U.S. Trade Representative.

[FR Doc. 2011-31316 Filed 12-6-11; 8:45 am]

BILLING CODE 3190-W2-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Japan's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: Japanese Prime Minister Noda recently announced Japan's intention to begin consultations with the Trans-Pacific Partnership (TPP) countries towards joining the TPP negotiations. The Office of the United States Trade Representative (USTR) is assessing Japan's expression of interest in the TPP negotiations in light of the TPP's high standards for liberalizing trade and specific issues of concern to the United States regarding Japanese barriers to agriculture, services, and manufacturing trade, including non-tariff measures. In conducting its assessment, USTR is seeking public comments on these concerns and all other elements related to Japan's interest in the TPP negotiations.

DATES: Written comments are due by noon, January 13, 2012.

ADDRESSES: *Submissions via on-line:* <http://www.regulations.gov>. For alternatives to on-line submissions please contact Donald W. Eiss at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For questions concerning requirements for written comments, please contact Donald W. Eiss at (202) 395-3475. All other questions regarding this notice should be directed to Michael Beeman, Deputy Assistant U.S. Trade Representative for Japan, at (202) 395-5070.

SUPPLEMENTARY INFORMATION:

On December 14, 2009, after consulting with relevant Congressional

committees, USTR notified Congress of the President's intent to initiate negotiations on a TPP trade agreement. These negotiations aim to achieve a high-standard, 21st century agreement with a membership and coverage that provides economically significant market access opportunities for America's workers, farmers, ranchers, service providers, and small businesses and that can expand to include additional countries across the Asia-Pacific region. Currently, the negotiations include Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam, as well as the United States. Further information regarding the TPP negotiations can be found at <http://www.ustr.gov/tpp>.

On November 11, 2011, Japanese Prime Minister Yoshihiko Noda announced Japan's intention to begin consultations with the current TPP participating countries towards joining the TPP negotiations. The Chair of the interagency Trade Policy Staff Committee (TPSC) invites interested persons to provide written comments that will assist USTR in assessing Japan's expression of interest in the TPP negotiations in light of the TPP's high standards for liberalizing trade and specific issues of concern to the United States regarding Japanese barriers to agriculture, services, and manufacturing trade, including non-tariff measures. Commenters may address these issues or any other specific barriers affecting U.S. exports to or investment in Japan. The TPSC Chair invites comments on all of these matters, and, in particular, on the following:

(a) Economic costs and benefits to U.S. producers and consumers of eliminating tariffs and eliminating or reducing non-tariff barriers on goods and services traded with Japan.

(b) Treatment by Japan of specific goods (described by HTSUS numbers), including product-specific import or export interests or barriers.

(c) Adequacy of existing customs measures to ensure that only qualifying imported goods from Japan receive preferential treatment, and appropriate rules of origin for goods entering the United States.

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(f) Relevant electronic commerce issues.

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(i) Relevant competition-related matters.

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(n) Relevant issues related to

innovation and competitiveness, new technologies and emerging economic sectors, the participation of small- and medium-sized businesses in trade, and the development of efficient production and supply chains.

Public Comment: Requirements for Submissions

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The <http://www.regulations.gov> Web site provides the option of making submissions by filling in a comments field, or by attaching a document. USTR prefers submissions to be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type comment & Upload File" field. USTR also prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Comments" field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". Any page containing business confidential information must be clearly

marked "BUSINESS CONFIDENTIAL" on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the character "P", followed by the name of the person or entity submitting the comments.

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Douglas Bell,

Chair, Trade Policy Staff Committee.

[FR Doc. 2011-31322 Filed 12-6-11; 8:45 am]

BILLING CODE 3190-W2-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Mexico's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement

AGENCY: Office of the United States Trade Representative.

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(b) Treatment by Mexico of specific goods (described by HTSUS numbers), including product-specific import or export interests or barriers.

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(n) Relevant issues related to innovation and competitiveness, new technologies and emerging economic sectors, the participation of small- and medium-sized businesses in trade, and the development of efficient production and supply chains.

Public Comment: Requirements for Submissions

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In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the <http://www.regulations.gov> Web site. Comments should be submitted under the following docket: USTR-2011-0020. To find the docket, enter the docket number in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notices" under "Document Type" on the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on the "Help" tab.)

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USTR strongly urges submitters to file comments through <http://www.regulations.gov>, if at all possible. Any alternative arrangements must be made with Donald W. Eiss in advance of transmitting a comment. Mr. Eiss should be contacted at (202) 395-3475. General information concerning USTR is available at <http://www.ustr.gov>.

Douglas Bell,

Chair, Trade Policy Staff Committee.

[FR Doc. 2011-31318 Filed 12-6-11; 8:45 am]

BILLING CODE 3190-W2-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Canada's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: Canadian Prime Minister Stephen Harper recently stated Canada's intention to begin consultations with the Trans-Pacific Partnership (TPP) countries towards joining the TPP negotiations. The Office of the United States Trade Representative (USTR) is assessing Canada's expression of interest in the TPP negotiations in light of the TPP's high standards for liberalizing trade and specific issues of concern to the United States regarding Canadian barriers to agriculture, services, and manufacturing trade, including non-tariff measures. In conducting its assessment, USTR is seeking public comments on these concerns and all other elements related to Canada's interest in the TPP negotiations.

DATES: Written comments are due by noon, January 13, 2012.

ADDRESSES: Submissions via on-line: <http://www.regulations.gov>. For alternatives to on-line submissions please contact Donald W. Eiss at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For questions concerning requirements for written comments, please contact Donald W. Eiss at (202) 395-3475. All other questions regarding this notice should be directed to Mary T. Smith, Director for Canada, at (202) 395-3412.

SUPPLEMENTARY INFORMATION:

On December 14, 2009, after consulting with relevant Congressional committees, USTR notified Congress of the President's intent to initiate negotiations on a TPP trade agreement. These negotiations aim to achieve a high-standard, 21st century agreement with a membership and coverage that provides economically significant market access opportunities for America's workers, farmers, ranchers, service providers, and small businesses and that can expand to include additional countries across the Asia-Pacific region. Currently, the negotiations include Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam, as well as the United States. Further information regarding the TPP negotiations can be found at <http://www.ustr.gov/tpp>.

On November 13, 2011, Canadian Prime Minister Stephen Harper stated Canada's interest in joining the TPP negotiations. The Chair of the interagency Trade Policy Staff Committee (TPSC) invites interested persons to provide written comments that will assist USTR in assessing Canada's expression of interest in the TPP negotiations in light of the TPP's high standards for liberalizing trade and specific issues of concern to the United States regarding Canadian barriers to agriculture, services, and manufacturing trade, including non-tariff measures. Commenters may address these issues or any other specific barriers affecting U.S. exports to or investment in Canada. The TPSC Chair invites comments on all of these matters, and, in particular, on the following:

(a) Economic costs and benefits to U.S. producers and consumers of eliminating tariffs and eliminating or reducing non-tariff barriers on goods and services traded with Canada.

(b) Treatment by Canada of specific goods (described by HTSUS numbers), including product-specific import or export interests or barriers.

(c) Adequacy of existing customs measures to ensure that only qualifying imported goods from Canada receive preferential treatment, and appropriate rules of origin for goods entering the United States.

(d) Canadian sanitary and phytosanitary measures or technical barriers to trade that should be addressed.

(e) Existing barriers to trade in services between the United States and Canada that should be addressed.

(f) Relevant electronic commerce issues.

(g) Relevant trade-related intellectual property rights issues.

(h) Relevant investment issues.

(i) Relevant competition-related matters.

(j) Relevant government procurement issues.

(k) Relevant environmental issues.

(l) Relevant labor issues.

(m) Relevant transparency issues.

(n) Relevant issues related to innovation and competitiveness, new technologies and emerging economic sectors, the participation of small- and medium-sized businesses in trade, and the development of efficient production and supply chains.

Public Comment: Requirements for Submissions

Persons submitting written comments must do so in English and must identify (on the first page of the submission) "Canada's Expression of Interest in the

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Douglas Bell,

Chair, Trade Policy Staff Committee.

[FR Doc. 2011-31318 Filed 12-6-11; 8:45 am]

BILLING CODE 3190-W2-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Canada's Expression of Interest in the Proposed Trans-Pacific Partnership Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: Canadian Prime Minister Stephen Harper recently stated Canada's intention to begin consultations with the Trans-Pacific Partnership (TPP) countries towards joining the TPP negotiations. The Office of the United States Trade Representative (USTR) is assessing Canada's expression of interest in the TPP negotiations in light of the TPP's high standards for liberalizing trade and specific issues of concern to the United States regarding Canadian barriers to agriculture, services, and manufacturing trade, including non-tariff measures. In conducting its assessment, USTR is seeking public comments on these concerns and all other elements related to Canada's interest in the TPP negotiations.

DATES: Written comments are due by noon, January 13, 2012.

ADDRESSES: Submissions via on-line: <http://www.regulations.gov>. For alternatives to on-line submissions please contact Donald W. Eiss at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For questions concerning requirements for written comments, please contact Donald W. Eiss at (202) 395-3475. All other questions regarding this notice should be directed to Mary T. Smith, Director for Canada, at (202) 395-3412.

SUPPLEMENTARY INFORMATION:

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Public Comment: Requirements for Submissions

Persons submitting written comments must do so in English and must identify (on the first page of the submission) "Canada's Expression of Interest in the

Trans-Pacific Partnership Trade Negotiations." In order to be assured of consideration, comments should be submitted by noon, January 13, 2012.

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the <http://www.regulations.gov> Web site. Comments should be submitted under the following docket: USTR-2011-0019. To find the docket, enter the docket number in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notices" under "Document Type" on the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on the "Help" tab.)

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Douglas Bell,

Chair, Trade Policy Staff Committee.

[FR Doc. 2011-31317 Filed 12-6-11; 8:45 am]

BILLING CODE 3190-W2-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration, (NHTSA), Department of Transportation.

ACTION: Denial of a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition Defect Petition (DP) 10-004 submitted by Ms. Lalitha Seetharaman (petitioner) with the assistance of Emerick Bohmer to NHTSA by a letter received on November 5, 2010, under 49 CFR part 552. The petitioners request an investigation of brake failure in model year 2005 Honda Accord Hybrid vehicles.

FOR FURTHER INFORMATION CONTACT: Mr. Derek Rinehardt, Vehicle Controls Division, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone (202) 366-3642. Email derek.rinehardt@dot.gov.

SUPPLEMENTARY INFORMATION:

Section—1.0 Introduction

Interested persons may petition NHTSA requesting that the agency initiate an investigation to determine whether a motor vehicle or item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 CFR 552.1. Upon receipt of a properly filed petition the agency conducts a technical review of the petition, material submitted with the petition, and any additional information. § 552.6. After considering the technical review and taking into account appropriate factors, which may

include, among others, allocation of agency resources, agency priorities, and the likelihood of success in litigation that might arise from a determination of a noncompliance or a defect related to motor vehicle safety, the agency will grant or deny the petition. § 552.8.

Petition Review—DP10-004

Section—2.0 Background Information

Ms. Lalitha Seetharaman of Newton, Pennsylvania (sometimes referred to as "Petitioner"), with the assistance of Mr. Emerick Bohmer, a friend of about a year, filed a petition on November 5, 2010 with NHTSA alleging that she was the driver of a model year (MY) 2005 Honda Accord Hybrid (subject vehicle), VIN JHMCN36425C005487, that experienced a brake failure. The petition states that the incident allegedly occurred on July 23, 2005, while braking and, at the same time, driving over rumble strips adjacent to her lane of travel on highway I-195 in New Jersey. In her petition, Ms. Seetharaman further alleges the brake failure resulted in a crash, fatally injuring her husband, Mr. Gautama Saroop (the front seat passenger), severely injuring the petitioner (the driver), and severely injuring the two occupants of a MY 1990 Ford Tempo vehicle that was struck by the petitioner's vehicle.

In March of 2005, four months prior to the crash, Ms. Seetharaman purchased the subject vehicle as a birthday present for her husband. On the evening of the crash, Ms. Seetharaman, who also owns a 1999 Mazda Protégé as her normal usage vehicle, was driving the subject vehicle with her husband as the passenger from their home in Newtown, PA to Bellmawr, NJ. The events leading to the crash and the crash itself are described by Ms. Seetharaman in the petition document and in a vehicle owner questionnaire (VOQ) 10329383 submitted to NHTSA. The two documents contain similar summaries of the event. The Defect Petition, at page 39, states:

While traveling East on I-195, I saw that a Police Officer had a vehicle pulled over on the right shoulder of the highway. I moved over to the left lane in order to decrease any chance of an accident with the stopped vehicles. When I did, I crossed onto the rumble strip on the left side of the highway. I applied the brakes while on the rumble strip to bring the vehicle under control, and nothing happened (no brakes) and the vehicle accelerated uncontrollably.

I tried to bring the vehicle back on the highway. Both my husband and myself were hoping something would bring the vehicle under control. In a desperate attempt to bring the vehicle under control my husband pulled the emergency brake. Upon pulling the

Sen. Roger Sherman, Chair
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Wade Merritt
John Palmer
Linda Pistner
Harry Ricker
Michael Roland
Jay Wadleigh
Joseph Woodbury

Staff:
Lock Kiermaier

STATE OF MAINE

Citizen Trade Policy Commission

December 15, 2011

Secretary Tim Geithner
U.S. Department of the Treasury
Federal Insurance Office
MT 1001
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Re: Input on the Report to Congress on How to Modernize and Improve the System of Insurance Regulation in the United States

Dear Secretary Geithner,

We are writing on behalf of the Maine Citizen Trade Policy Commission in response to the Department of Treasury's request for comment on How to Modernize and Improve the System of Insurance Regulation in the United States.

When the Restoring of Financial Stability Act of 2010, later amended in conference committee to the Dodd-Frank Wall Street Reform and Consumer Protection Act, was first proposed, it included provisions that preempted state insurance laws if such laws are perceived to be inconsistent with international trade agreements. At that time, the Commission expressed strong opposition to those provisions in a letter to Senator Dodd (see enclosure).

The Commission maintains its opposition and would like to take this opportunity to encourage the Treasury to recommend against any similar provisions for future insurance regulation. The Commission's letter to Senator Dodd is attached and outlines our rationale for opposition.

Thank you for your consideration.

Sincerely,

Senator Roger Sherman, co-chair

Representative Joyce Maker, co-chair

cc:
Senator Susan M. Collins
Senator Olympia J. Snowe
Representative Michael Michaud
Representative Chellie Pingree
Governor Paul LePage

Citizen Trade Policy Commission
c/o Office of Policy & Legal Analysis
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670
<http://www.maine.gov/legis/opla/citpol.htm>

Sen. Troy Jackson, Chair
Sen. Stan Gerzofsky
Sen. Roger Sherman
Rep. Margaret Rotundo, Chair
Rep. Jeffery A. Gifford
Rep. Sharon Anglin Treat

Jane Aiudi
Malcolm Burson
Leslie Manning
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Carla Dickstein
Michael Herz
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John Palmer
John L. Patrick
Cynthia Phinney
Paul Volckhausen
Joseph Woodbury

Curtis Bentley, Legislative Analyst

STATE OF MAINE

Citizen Trade Policy Commission

April 16, 2010

The Honorable Christopher J. Dodd, Chairman
Committee on Banking, Housing, & Urban Affairs
United States Senate
448 Russell Senate Office Building
Washington, DC 20510

Re: Restoring American Financial Stability Act of 2010

Dear Senator Dodd:

We are writing on behalf of the Maine Citizen Trade Policy Commission which by unanimous vote today expressed its strong opposition to the Office of National Insurance (ONI), created by Title V, Subtitle A of the Restoring American Financial Stability Act of 2010 (Chairman's Mark, Senate Standing Committee on Banking, Housing, & Urban Affairs). Subtitle A would establish a new federal bureaucracy (ONI) and give one person the power to invalidate state insurance laws that are perceived as "inconsistent with" international agreements.

We are concerned that this legislation bypasses the trade negotiation and implementation process and vests in one person in the Treasury Department the power to preempt validly enacted state laws – without waiting for a specific allegation of a trade violation, and based on a vague and expansive definition of potentially affected trade agreements. All of this would be done without any of the protections provided by the U.S. Constitution when international treaties are negotiated and Congress preempts state law. Disturbingly, even a treaty that has been submitted for ratification and defeated could be considered an "agreement" with preemptive force.

The Maine Citizen Trade Policy Commission (CTPC) is a bipartisan commission established in 2003 to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment, and to make policy recommendations to the Legislature and the Governor concerning the impact of trade agreements

and trade-related policies. In our view, the preemption provisions of Subtitle A reach well beyond the scope of current trade policy and constitute an unprecedented intrusion into matters reserved to the states.

We are cognizant that international agreements can have an impact on state policies, and indeed the CTPC has an advisory role within Maine to insure that policy makers are aware of the parameters of trade policy. Subtitle A goes well beyond any trade policy we are aware of and vests within one agency employee the power to sweep aside state insurance laws regulating purely domestic markets, such as licensing laws or laws requiring the use of U.S. statutory accounting principles. Any "international insurance agreement" with a foreign government or regulatory entity (even a non-governmental entity) could be used by this federal employee as the rationale for an action to preempt state-based standards, overturning the actions of state legislatures without resort to the courts or to international trade dispute resolution tribunals.

We urge you to strike the preemption provisions and the authority given to Treasury to negotiate and enter into new international insurance agreements in Title V, Subtitle A.

Thank you for your consideration.

Sincerely,

Senator Troy Jackson, co-chair

Representative Peggy Rotundo, co-chair

cc:

Senator Susan M. Collins

Senator Olympia J. Snowe

Senator Harry Reid

The Honorable Michael Michaud

The Honorable Chellie M. Pingree

Mila Kofman, Superintendent of Insurance

Janet Mills, Attorney General

PL 2003, C. 699 (LD 1815), as amended
 Title 5: An Act to Establish the Maine Jobs, Trade and Democracy Act

010-30A-0081-01 - Legislature
 Citizen Trade Policy Commission (ongoing Title 5 Commission)

Budget (as amended)

	FY 12 ADJUSTED BUDGET	FY 12 Expenditures (through 12/13/11)	Unspent Balance (as of 12/13/11)
Emergency Legislation: Yes	8		
Number of Meetings (at least twice annually specified + PHs)			
Meetings During Session: None budgeted			
Report Date(s): annual (evaluation by 12/31/09)			
Extension Provision: N/A			
# of Persons Eligible for Per Diem			
Legislators	6		
Others			
# of Persons Eligible for Per Diem	6		
# of Persons Eligible for Expenses but not Per Diem	10		
Number of Department/Agency Personnel or Others for whom per diem and expenses are not calculated	6		
Total Number of Members	22		
Personal Services Costs	2,640.00	550.00	2,090.00
All Other Costs			
Contractual Services	10,150.00		10,150.00
Member Expenses/mtgs & 2 public hearings	6,400.00	2,273.85	4,126.15
Staff Travel	210.00		210.00
Postage, Printing and Miscellaneous	750.00		750.00
Assessment	10,000.00		10,000.00
Public Hearings (2 annually) FY 12 @\$500 each	1,000.00		1,000.00
Total - All Other	28,510.00	2,273.85	26,236.15
Total Cost	31,150.00	2,823.85	28,326.15

NOTE: The Legislative Council approved the Commission's request to carry over unspent FY 11 assessment funds. Therefore, the FY 12 budget has been increased by \$5,000 on a one-time basis.

NOTE: The Legislative Council further approved the carry over of an additional \$13,780 in unspent FY 11 funds to enable the Commission to hold up to a total of 8 meetings in FY 12 and for contracted staff support.

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Danielle Fox, Legislative Analyst
Jean Guzzetti, Legislative Analyst

STATE OF MAINE

Citizen Trade Policy Commission

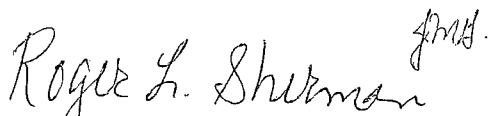
Ambassador Ron Kirk
Office of the United States Trade Representative
600 17th Street NW
Washington DC, 20508

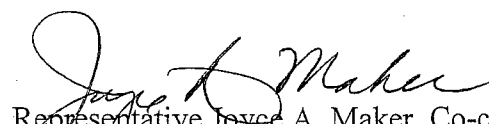
December 2, 2011

Dear Ambassador Kirk,

For the Maine Citizen Trade Policy Commission (CTPC), 2011 has been a year of transition, including changes in membership. As chairs of the CTPC, we recognize that organizations and offices with which the commission communicates often experience transitions as well. It is our understanding that for the purposes of clear and direct communication, the Office of the USTR has agreed to identify and maintain communication with a single point of contact in the State of Maine. It is important to the CTPC that we are clear who the contact point is in the state. In an effort to keep our contacts current, we would greatly appreciate confirmation from your office that you have a single point of contact in Maine as well as the name and contact information for that person. Thank you for your time and consideration of our request.

Sincerely,


Senator Roger L. Sherman, Co-chair
Maine Citizen Trade Policy Commission


Representative Joyce A. Maker, Co-chair
Maine Citizen Trade Policy Commission